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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051361
Party	Defendant United Home Care, Inc.
Correspondence Address	J. TUCKER BARR ARNALL GOLDEN GREGORY LLP 171 17TH STREET NW, SUITE 2100 ATLANTA, GA 30363 UNITED STATES tucker.barr@agg.com
Submission	Voluntary Surrender Of Registration
Filer's Name	J. Tucker Barr
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Signature	/J. Tucker Barr/
Date	05/18/2010
Attachments	UHC Dismissal.pdf ( 4 pages )(16610 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 3,180,437  
For the Mark UNITED HOME CARE  
Registration Date: December 5, 2006

United Home Care Services, Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92051361
	)	
United Home Care, Inc.	)	
	)	
Respondent.	)	
_____	)	

**NOTIFICATION OF SETTLEMENT, APPLICATION FOR VOLUNTARY  
SURRENDER OF TRADEMARK REGISTRATION WITH PREJUDICE AND WITH  
PETITIONER'S CONSENT, AND STIPULATION CONCERNING DISMISSAL**

COMES NOW, United Home Care, Inc. ("Respondent"), pursuant to T.B.M.P. §§ 602.02(a) and 605.03(a), and hereby files its Notification of Settlement, Application for Voluntary Surrender of Trademark Registration with Prejudice and with Petitioner's Written Consent, and Stipulation Concerning Dismissal, showing the Board as follows:

1. Respondent is presently the owner of a federal trademark registration for UNITED HOME CARE (Reg. No. 3,180,437) (the "Registration");
2. Petitioner United Home Care Services, Inc. ("Petitioner") commenced the above-styled proceeding to cancel the Registration;
3. Respondent and Petitioner have reached a settlement of the cancellation proceeding, and Respondent hereby provides the Board with prompt notice of such settlement pursuant to T.B.M.P. § 605.03(a);

4. Pursuant to the terms of settlement, Respondent wishes to voluntarily surrender the Registration pursuant to T.B.M.P. § 602.02(a), which provides, in relevant part, as follows:

If the registrant files a voluntary surrender of the registration with prejudice with the written consent of the petitioner, the petition for cancellation will be dismissed without prejudice (and the registration will be cancelled, such cancellation being with prejudice to registrant's right to reregister the same mark for the same goods or services), unless the parties specify otherwise in writing.

5. Pursuant to T.B.M.P. § 602.02(a), Respondent hereby applies to voluntarily surrender the Registration and requests that the Registration be cancelled with prejudice to Respondent's right to reregister the same mark for the same goods or services;

6. Pursuant to T.B.M.P. § 605.03(a), Respondent requests, with Petitioner's stipulation, that the Board dismiss the cancellation proceeding without prejudice and without entering judgment against Respondent; and

7. By the signature appearing below, Petitioner has provided its written consent to Respondent's application to voluntarily surrender the Registration and its stipulation concerning the disposition of the proceeding as set forth in paragraph 6 above.

WHEREFORE, Respondent respectfully requests that the Board:

(a) Grant its application and cancel the Registration with prejudice to its right to reregister the same mark for the same goods or services; and

(b) Dismiss the above-styled cancellation proceeding without prejudice and without entering judgment against Respondent.

Respectfully submitted this 18th day of May 2010.

ARNALL GOLDEN GREGORY LLP

**/s/ J. Tucker Barr**

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J. Tucker Barr  
Georgia Bar No. 140868

171 17<sup>th</sup> Street, N.W.  
Suite 2100  
Atlanta, Georgia 30363  
404-873-8500  
404-873-8501 (fax)

Attorneys for Respondent

Consented and Stipulated to by:

**/s/ Michael Tschupp**

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**(with express permission by J. Tucker Barr)**

Michael Tschupp, Esq.  
Espinosa | Trueba PL  
3001 SW 3rd Avenue  
Miami, Florida 33129

Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing NOTIFICATION OF SETTLEMENT, APPLICATION FOR VOLUNTARY SURRENDER OF TRADEMARK REGISTRATION WITH PREJUDICE AND WITH PETITIONER'S WRITTEN CONSENT, AND STIPULATION CONCERNING DISMISSAL by depositing a copy of same in the United States Mail, with sufficient postage thereon, and addressed to the following:

Michael Tschupp, Esq.  
Espinosa | Trueba PL  
3001 SW 3rd Avenue  
Miami, Florida 33129

I further certify that the foregoing has been filed electronically with the Trademark Trial and Appeal Board.

This 18th day of May 2010.

ARNALL GOLDEN GREGORY LLP

**/s/ J. Tucker Barr**

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